



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Appl. of: Robert J. SMALL and Zhefei J. CHEN. Confirmation No: 1702
Serial No: 10/057,206 Group: 1755
Filed: January 25, 2002 Examiner: M. Marcheschi
Entitled: **COMPOSITIONS FOR CHEMICAL- MECHANICAL PLANARIZATION OF NOBLE-METAL-FEATURED SUBSTRATES, ASSOCIATED METHODS, AND SUBSTRATES PRODUCED BY SUCH METHODS** ATTY DOCKET: 63254-5002-US

DECLARATION OF ROBERT J. SMALL AND ZHEFEI J. CHEN
UNDER 37 C.F.R. § 1.131

We, ROBERT J. SMALL, and ZHEFEI J. CHEN declare under the penalty of perjury as set forth below:

1. We are co-inventors named in the above-referenced patent application 10/057,206 which was filed on January 25, 2002 ("Application").

2. We were employed by EKC Technology, Inc., the original Assignee ("Assignee") of the Application by virtue of an assignment recorded in the U.S. Patent Office at Reel 12540 and Frame 0635. As part of the work for EKC, we developed compositions for polishing a substrate having a noble metal material, or a material comprising a noble metal, on its surface. The compositions comprised periodic acid, or H_5IO_6 , which was often referred to as "PIA" and which is referred to hereinafter as PIA, and an abrasive. Portions of this work are the subject matter disclosed in the Application and are the subject matter of claims 77-106 and 108-139 that are pending in this Application.

3. Our work for EKC, Technology, Inc., was performed in the United States of America.

4. Pending claims 77-106 and 108-139 stand rejected in view of USP 6527622, which issued from an application filed on January 22, 2002, either alone or in view of USP 6461227 or published application 2002/0076932.

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5. All other previous rejections under one or more of USP 6328774, USP 6332831, USP 6461227, USP 5993686, USP 6063306, and published application 2002/0125460, which were presented in previous Office Actions, have been withdrawn by the Examiner.

6. Attached hereto is a draft application titled COMPOSITIONS FOR CHEMICAL-MECHANICAL PLANARIZATION OF NOBLE-METAL-FEATURED SUBSTRATES, ASSOCIATED METHODS, AND SUBSTRATES PRODUCED BY SUCH METHODS, said draft application being in the hands of the inventor prior to January 21, 2002.

7. Said draft application is substantially the same as the filed 10/057,206. For the Examiner's convenience, a red-line version of the draft application compared to the application as published is provided.

8. In view of the foregoing, we believe the invention as reflected in the pending claims was conceived and reduced to practice before January 21, 2002.

9. We further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Aug 28, 2006

Robert J. Small
Robert J. Small

Dated: _____

Zheifei J Chen